

### REMARKS

Claim 9 is currently pending. Claims 1-8, 10, and 11 are withdrawn from consideration. An information disclosure statement is concurrently submitted. The following remarks are considered by Applicants to overcome each objection/rejection raised in the Office Action and to place the application in condition for allowance. Accordingly, Applicant requests reconsideration of claim 9.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Stafford (U.S. Patent 5504575). The Examiner takes the position that Stafford teaches or suggest all the features recited in claim 9. Applicants respectfully disagree.

Stafford is directed to an SLM spectrometer having an entrance slit and/or a collimator to provide parallel rays of radiation to a prism, grating, or any other type of wavelength dispersing element which disperses the radiation incident into a spectrum of wavelengths of various orders. In one embodiment of Stafford (Figure 2), an entrance slit 40 is provided followed by collimation lens 42 to ensure that the rays of radiation to be analyzed that are passing through to the dispersing element 44 are converted to parallel beams prior to incidence upon the dispersing element 44.

In contrast to the claimed invention, Stafford discloses a spectrometer, whereas the present invention is directed to a microscope. Therefore, it is submitted that Stafford fails to teach or suggest a laser scanning microscope having a microscope unit or a micro-mirror arrangement operable to switch selected wavelengths of the dispersed detection beam. In Stafford, the micromirror arrangement 46 as illustrated in Figure 2 is described as a deformable mirror device (DMD), an array of micromirrors that may be selectively activated to rotate to preselected angles (Col. 3, Line 64 – Col. 4, lines 23-27). Moreover, Stafford specifically indicates that the spectrometer is utilized to eliminate the overall mechanical motion required of conventional spectrometers employing either rotating prisms or rotating gratings to select the wavelengths to be measured. Instead, the micromirrors are rotated, resulting from an applied voltage. As a result, the micromirros are rotated to several

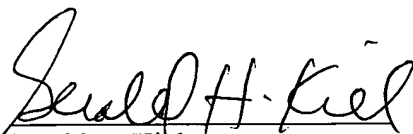
preselected angles.

In contrast, in the claimed invention, each micromirror can be switched between two positions, but the two positions for all the micromirrors are the same, as illustrated in Figures 3a and 3b. As a result, a more efficient and confined arrangement is provided. Since, the present micromere arrangement is provided for a laser scanning microscope, the advantages and benefits of the claimed feature are not provided by the cited reference. Thus, it is submitted that the cited references fail to teach or suggest a laser scanning microscope having a micro-mirror arrangement operable to switch selected wavelengths of the dispersed detection beam.

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Claim 1 is amended. The specification and the drawings are also amended. No new matter is presented. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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